



October 7, 2004

Secretary Marlene H. Dortch
Federal Communications Commission
445 Twelfth Street, SW, Room TWB-204
Washington, D.C. 20554

**RE: Notice of Oral Ex Parte
WC Docket No. 04-242 and CC Docket. No. 01-338**

Dear Ms. Dortch:

On September 30, 2004, the Telecommunications Research and Action Center (TRAC), the National Black Chamber of Commerce (NBCC), the League of United Latin American Citizens (LULAC) and the American Association of People with Disabilities (AAPD) met with Federal Communications Commission Commissioner Abernathy and Senior Legal Advisor Matthew Brill to discuss the pending 271 Forbearance Petition in the above-referenced Docket.

The meeting was held at the FCC in Washington, D.C. Present were: Kathleen Q. Abernathy, FCC Commissioner; Matthew Brill, FCC Senior Legal Advisor; Dirck A. Hargraves, TRAC Counsel; Charles DeBow, NBCC Director of Special Projects; and Gabriel Lemus, LULAC, Director of Policy and Legislation.

At the meeting, TRAC, NBCC, and LULAC reminded the Commissioner that these diverse groups formed a coalition on behalf of people with disabilities, seniors, lower income, rural, minority and small business consumers to support the Commission's ongoing efforts to accelerate the deployment of broadband technologies to residential and small business consumers.

The Coalition also expressed its concern that despite the Commission's best efforts, there remains regulatory impediments that prevent the industry from making the full commitment of resources necessary to accelerate deployment to consumers. The Coalition referenced its August 17, 2004 letter to the FCC (see attached) to compel the Commission to clarify that when it repealed the Section 251 unbundling requirements of the Telecommunications Act of 1996 it did not intend to leave similar requirements in place under Section 271. The Coalition also emphasized that the relief it seeks is for **both** residential and small business telecommunications consumers.

Finally, as noted in the letter the cost of this regulatory uncertainty is enormous particularly to residential and small business consumers and to the economy.

Two copies of this Notice are being submitted to the Secretary of the Federal Communications Commission in accordance with Section 1.1206 of the Commission's rules.

Sincerely,

A handwritten signature in cursive script that reads "Dirck A. Hargraves". The signature is written in dark ink and is positioned above the printed name.

Dirck A. Hargraves, Esquire
Counsel

Attachment (as noted)